

United States Court of Appeals
For the First Circuit
~~MANDATE~~

No. 06-2361

UNITED STATES; AMERICAN WATERWAYS OPERATORS;
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS; BIMCO;
CHAMBER OF SHIPPING OF AMERICA,
Plaintiffs, Appellees,

v.

COMMONWEALTH OF MASSACHUSETTS; MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL PROTECTION; DEVAL PATRICK, in his capacity as Governor of
Massachusetts; ARLEEN O'DONNELL, in her capacity as Acting Commissioner of the
Massachusetts Department of Environmental Protection,¹
Defendants, Appellants,

COALITION FOR BUZZARDS BAY,
Defendant.

No. 06-2362

UNITED STATES; AMERICAN WATERWAYS OPERATORS;
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS; BIMCO;
CHAMBER OF SHIPPING OF AMERICA,
Plaintiffs, Appellees,

v.

COMMONWEALTH OF MASSACHUSETTS; MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL PROTECTION; DEVAL PATRICK, in his capacity as Governor of
Massachusetts; ARLEEN O'DONNELL, in her capacity as Acting Commissioner of the
Massachusetts Department of Environmental Protection,
Defendants,

COALITION FOR BUZZARDS BAY,
Defendant, Appellant.

¹ Defendants Mitt Romney and Robert W. Golledge, Jr. (former Commissioner of the Massachusetts Department of Environmental Protection) have been substituted with Deval Patrick and Arleen O'Donnell (Acting Commissioner of the Massachusetts Department of Environmental Protection) in both No. 06-2361 and No. 06-2362. See Fed. R. App. P. 43(c)(2).

JUDGMENT

Entered: June 21, 2007

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The district court's entry of judgment and the permanent injunction for the United States are vacated, and the matter is remanded for further proceedings consistent with the opinion issued this day. No costs are awarded.

Certified and Issued as Mandate
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

Richard Cushing Donovan
Deputy Clerk

Date: 8/17/07

By the Court:

RICHARD CUSHING DONOVAN

Richard Cushing Donovan, Clerk

[Certified copies to Hon. Joseph L. Tauro and Ms. Sarah Thornton, Clerk, United States District Court for the District of Massachusetts. Copies to Mr. Bressler, Mr. Stern, Ms. Klein, Mr. Hachey, Mr. Benner, Mr. Connaughton, Ms. Brunelli Balestrieri, Mr. Skelly, Mr. Cray, Mr. Ettinger, Mr. DeLisle, Ms. Waller, Mr. Ryan, Mr. Beauregard, Ms. Friedman, Mr. Ferester, Mr. Lockyer, Mr. Myers, Mr. Sanchez-Ramos, & Ms. Reid.]